

FEDERAL COMMUNICATIONS COMMISSION
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February 26, 2009

Eloy Castro
Vision Latina Broadcasting, Inc.
3101 Thirty-second Street
Port Arthur, Texas 77642

Re: Vision Latina Broadcasting, Inc.
KBPO (AM), Port Neches, Texas
Facility Identification Number: 68762
Special Temporary Authority

Dear Mr. Castro:

This is in reference to the request filed February 20, 2009, on behalf of Vision Latina Broadcasting, Inc. ("VLB"). VLB requests special temporary authority ("STA") to operate Station KBPO with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, VLB states that the licensed antenna system was severely damaged by Hurricane Ike and the towers collapsed. VLB states that it has restored one tower, and requests STA for daytime-only operation with 30 watts.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(1) provides that AM stations may use a horizontal or vertical wire as an emergency antenna. Our review indicates that the proposed STA operation complies with the foregoing criteria. In the interest of providing for increased coverage should equipment become available which permits operation with greater power, STA will be granted for operation with the maximum power permitted by the rules.

Our review further indicates that Station KBPO has been silent since March 10, 2008, and thus faces the loss of its license if it does not resume broadcasting on or before March 10, 2009.

Accordingly, the request for STA IS HEREBY GRANTED, with modification as discussed above. Station KBPO may operate with an emergency nondirectional antenna. Operating power shall not exceed **0.125 kilowatt daytime and 0.015 kilowatt nighttime**. It will be necessary to further reduce power or cease operation if complaints of interference are received. VLB must notify the Commission when licensed operation is restored.² VLB must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **August 26, 2009**.

¹ KBPO is licensed for operation on 1150 kHz with 0.5 kilowatt daytime and 0.063 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

² *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

Notwithstanding the grant of this STA or the expiration date specified herein, **the station's license will expire as a matter of law if it does not resume broadcasting on or before March 10, 2009.** See Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). See also *Public Notice*, Expedited Processing of Applications Filed by Silent Stations, DA 96-818 (May 22, 1996). **The licensee must notify the Audio Division immediately upon resumption of broadcasting.**

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Vision Latina Broadcasting, Inc.